

CITY COUNCIL
CITY OF WICHITA
K A N S A S

City Council Meeting
September 18, 2001, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
-

AWARDS AND PRESENTATIONS

- Proclamations
-

UNFINISHED BUSINESS

1. [Request](#) for Letter of Intent for Industrial Revenue Bonds - Casa Del Norte Apartments. (District VI)

On August 7, 2001, the City Council deferred this Item for the project developer to meet with neighbors and DAB VI.

RECOMMENDED ACTION: Approve the Letter of Intent and property tax rebate; authorize necessary signatures.

2. [SER](#) Multi-Cultural Neighborhood Center Funding Assistance. (District VI)

On January 9, 2001, the City Council approved a Community Development Block Grant loan for acquisition of a facility. The CDBG Contract expired on September 10, 2001. The SER Board has requested a funding extension.

RECOMMENDED ACTION: Extend the funding three months through December 31, 2001.

NEW BUSINESS

3. Issuance of Industrial Revenue Bonds – Feist Publications, Inc. (District II)

On June 5, 2001, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$5.5 million to Feist Publications. The funds were used to finance cost of acquiring, constructing, and equipping a corporate headquarter office building at 3030 North Cypress near Webb Road and 29th Street North.

RECOMMENDED ACTION: Approve issuance of Industrial Revenue Bonds in an amount not-to-exceed \$5.5 million, and first reading of the Ordinance.

4. HUD Consolidated Plan Annual Performance Report.

U.S. Department of Housing and Urban Development (HUD) regulations require a public hearing on the Annual Performance Report for projects covered by the HUD Consolidated Plan.

RECOMMENDED ACTION: Close the public hearing; receive and file the Report; authorize submission of Report to HUD.

5. Naming of Public Facilities.

On August 21, 2001, the City Council appointed a Public Facilities Naming Committee to submit naming recommendations to the City Council for certain public facilities.

RECOMMENDED ACTION: Name the facilities.

CITY COUNCIL AGENDA

6. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

7. Report of the Board of Bids and Contracts Dated September 17, 2001.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

8. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Jose Hernandez Maria E. Maskrid	Hernandez Mexican Café* El Matador Lounge	1533 South Seneca 2033 South Broadway
<u>New Operator</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Thuy Thi Thu Nguyen	Quick Pick	3733 North Arkansas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

9. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

10. Preliminary Estimates:

- a) 2001 contract maintenance reinforced concrete box culvert on Bunker Hill at George Washington Boulevard - Bunker Hill and George Washington Boulevard. (472-83420/132710/) Road closure on Bunker Hill. (District III) - \$30,000.00
- b) Water distribution system to serve Harrison Park 2nd Addition - east of Webb, north of Lincoln. (448-89587/735023/470693) Does not affect existing traffic. (District II) - \$37,000.00
- c) Water distribution system to serve The Courts II Addition - south of 29th Street North, east of Oliver. (448-89579/735025/470695) Does not affect existing traffic. (District I) - \$50,000.00
- d) Water distribution system to serve Auburn Hills 13th Addition - west of 135th Street West, south of Maple. (448-89610/735024/470694) Does not affect existing traffic. (District V) - \$157,000.00
- e) 2001 contract maintenance brick paver and enhancement of arterial medians - north of Kellogg on Webb Road. (472-83340/132710/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$105,494.00
- f) Sandwedge Circle from the westerly line of Lot 4, Block B, east to and including the cul-de-sac to serve Auburn Hills 11th Addition - east of 151st Street West, north of Kellogg. (472-83403/765692/490803) Does not affect existing traffic. (District V) - \$117,000.00

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- g) Jewell from the west line of the plat, east to the east line of the plat, on Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F, Jewell Court from the north line of Jewell, north to and including the cul-de-sac. Sidewalk along one side of Jewell from the west line of the plat to the east line of the plat, along one side of Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (472-83383/765684/490795) Does not affect existing traffic. (District V) - \$490,000.00
- h) 2001 sanitary sewer reconstruction Phase 6 - north of Kellogg, west of Webb Road. (468-83309/620322/661446) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and VI) - \$139,000.00
- i) 2001 sanitary sewer rehabilitation, Phase F - east of Hillside, north of 21st Street North. 468-83310/620323 /661447) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$429,000.00
- j) Lateral 307, Four Mile Creek Sewer to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (468-83275/743881/480569) Does not affect existing traffic. (District II) - \$65,000.00
- k) Lateral 8, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 13th Addition - south of Maple, west of 135th Street West. (468-83312/743882/480570) Does not affect existing traffic. (District V) - \$229,000.00
- l) Lateral 72, Main 5, Sanitary Sewer 23 to serve The Courts II Addition - south of 29th Street North, east of Oliver. (468-83257/743883/480571) Does not affect existing traffic. (District I) - \$110,000.00
- m) Storm Water Drain 174 to serve YMCA South Addition - west of Meridian, north of I-235. (468-83294/751300 /485191) Does not affect existing traffic. (District IV) - \$125,700.00
- n) Water distribution system to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (448-89472/735022/470692) Does not affect existing traffic. (District V) - \$147,000.00
- o) Water distribution system to serve Hanley Commercial Addition - south of 21st Street, east of Webb. (448-89609/735026/470696) Does not affect existing traffic. (District II) - \$53,000.00

RECOMMENDED ACTION: Approve and file.

11. Deeds and Easements:

RECOMMENDED ACTION: Accept documents.

12. Petitions for Public Improvements:

- a) Pave Santa Fe, between 14th Street and 15th Street. (District VI)
- b) Construct sanitary sewer to serve unplatted tract on the east side of 119th Street West, north of Pawnee. (District V)

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- c) [Pave](#) Garnett Street to serve 127th Retail Addition – south of Central, west of 127th Street East. (District II)
- d) [Construct](#) water distribution system to serve Ascension Lutheran Church Second Addition – south of Maple, west of 119th Street West. (District V)
- e) [Paving](#), sanitary sewer, and water distribution systems to serve Rocky Creek and Rocky Creek Second Additions – north of 13th Street, east of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

13. Report on Claims Allowed - August 2001:

<u>Name of Claimant</u>	<u>Amount</u>
Patricia Henry for Old Town Gen. Store	\$ 800.00
Tana Newsom	\$ 868.24**
Connie Franklin	\$ 467.29
Rebecca Kassner	\$1,260.51
Joyce E. Goolsby	\$ 475.37
Sheila S. Davis	\$ 658.08

RECOMMENDED ACTION: Receive and file.

14. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

15. Agreements/Contracts:

- a) [Environmental](#) Health – air emissions inventory.
- b) [Justice](#) Public Safety System computer services extension.
- c) [Memorandum](#) of Understanding for cost-share irrigation demonstration project.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

16. [Southeast](#) Boulevard (K-15 Highway) Improvements, between the Kansas Turnpike and I-135 Expressway. (District III)

RECOMMENDED ACTION: Approve project and first reading of Ordinance; authorize signing of Contracts as necessary.

17. [2001 Traffic Signal Program.](#) (Districts I, V, and VI)

RECOMMENDED ACTION: Approve project and first reading of Ordinance; authorize selection of design engineers, and signing of State/Federal Agreements as necessary.

18. [Arkansas River Water Quality Study - Phase 1b.](#)

RECOMMENDED ACTION: Authorize Phase 1b.

19. [Change Order – Lawrence-Dumont Stadium Improvements.](#) (District IV)

RECOMMENDED ACTION: Approve Change Order; authorize necessary signatures.

20. [Purchase and Testing of Odor Control Product.](#)

RECOMMENDED ACTION: Approve testing expansion and purchase.

21. [Budget Adjustment – Street Sweepings Screener.](#)

RECOMMENDED ACTION: Approve budget adjustments.

22. [Budget Adjustment – Mini City Hall Equipment.](#)

RECOMMENDED ACTION: Approve budget adjustments.

23. [Condemnation Award to Acquire Property: West Kellogg Improvements.](#) (District V)

RECOMMENDED ACTION: Authorize payment of appraisers' award and related costs to the Clerk of the District Court.

24. [Acquisition of Right-of-Way: East Kellogg Improvement Project.](#)

RECOMMENDED ACTION: Authorize payment for acquisition and related costs.

25. [Approval of Certificate of Convenience and Necessity for Golden C Limousine.](#)

RECOMMENDED ACTION: Approve Certificate of Convenience and Necessity; authorize necessary signatures.

26. Industrial Revenue Bond Purchase Option – Newman University. (District V)

RECOMMENDED ACTION: Approve conveyance; adopt Resolution.

27. Property Acquisition:

a) 544 South Edgemoor. (District II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

28. Land Acquisition.

RECOMMENDED ACTION: Approve the acquisition; adopt the Resolution.

29. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>
1.	938 North Broadway	VI
2.	1310 North Market	VI
3.	1722 East Victor	I
4.	1248 South Wichita	I
5.	1801 South Mosley	III
6.	1847 South Everett	IV

RECOMMENDED ACTION: Adopt Resolution (s) setting the Public Hearing on November 6, 2001, at 10:30 a.m.

30. Kansas Public Water Supply Loan Fund Program.

RECOMMENDED ACTION: Approve first reading of the Ordinance; authorize document signatures.

30A. Proposed Assessment Rolls

Proposed Assessment Rolls have been prepared for twenty-two water, seventeen sewer, and three storm water sewer projects. It is necessary to set a public hearing date. Informal hearing with City personnel will be held October 8, 2001.

RECOMMENDED ACTION: Set the public hearing for 11:00 a.m., Tuesday, October 16, 2001; authorize publication of notices.

31. Second Reading Ordinances: (First read September 11, 2001)

a) Health Care Facilities Refunding Revenue Bonds – Presbyterian Manors, Inc.

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 and series VIII-C, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$25,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas, bonds and paying the cost of renovating and equipping certain health care facilities; prescribing the form and authorizing execution of a seventh supplemental bond indenture by and between the City and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Sixth Supplemental Lease Agreement by and between Presbyterian Manors, Inc. and the City; approving the form of the Guaranty Agreement to be executed in connection with the issuance of said bonds; authorizing execution of a Tax Compliance Agreement by and among the Issuer, the Bond Trustee and Presbyterian Manors, Inc.; authorizing execution of an Escrow deposit agreement by and among the issuer, Intrust Bank, N.A., as Escrow Trustee, and Presbyterian Manors, Inc.; approving the form of the remarketing Agreement to be executed in connection with the issuance of the Series VIII-B, 2001 and Series VIII-C 2001 Bonds; and authorizing the execution of a Bond Purchase Agreement by and between the City, Presbyterian Manors, Inc. and B.C. Ziegler and Company, as underwriter of the Bonds.

b) Industrial Revenue Bonds – Kansas Blue Print, Inc. (District I)

A Ordinance of the city of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of taxable Industrial Revenue Bonds, Series VII, 2001 (KBP Reprographics, Inc.) for the purpose of providing funds to purchase, acquire, construct and equip a commercial and manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Intrust Bank, N.A., as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Jerry A. Sims, L.L.C.; approving the form of a Guaranty Agreement; approving the sublease of the project to KBP Reprographics, Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Jerry A. Sims, L.L.C. KBP Reprographics, Inc. and Intrust Bank, N.A., as purchaser of the Bonds.

c) Health Department Transformation - creating New Health Department and Board.

A joint Charter Resolution exempting Sedgwick County, Kansas and Charter Ordinance exempting the City of Wichita, Kansas from certain provisions of K.S.A. 65-2201, et seq. relating to joint local Boards of Health and to appointment of the local health officer; providing substitute and additional provisions relating thereto; and repealing Charter Resolution 41 of Sedgwick County, Kansas and Charter Ordinance 136 of the City of Wichita.

d) Hospital Facility Leases – Riverside Health System. (District VI)

An Ordinance of the city of Wichita, Kansas, consenting to the assignment of certain hospital facility leases from Riverside Health System, Inc. to Via Christi Riverside Medical Center, Inc.; authorizing the execution and delivery of an acknowledgment, acceptance and consent to assignment of leases by and between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc. and Intrust Bank, N.A., Wichita, Kansas, as Bond Trustee; approving a form of assumption of guaranty by and between Via Christi, Riverside Medical Center, Inc., and Intrust Bank, N.A., Wichita, Kansas, for the benefit of the owners of certain hospital facilities revenue bonds; authorizing the execution and delivery of, and consenting to, an assignment of remarketing agreement between Riverside Health System Inc., Via

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Christi Riverside Medical Center, Inc., Banc of America Securities LLC, as remarketing agent, and the City; authorizing the execution and delivery of the assignment of certain Administrative Service Fee Agreements between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc., and the City

- e) Modification to the Rank Grass Ordinance 7.40.060.

An Ordinance amending Section 7.40.060 of the Code of the City of Wichita, Kansas, pertaining to rank grass, weeds, or other vegetation as nuisances and repealing the original of said section.

- f) Release of Industrial Revenue Bond Property - The Coleman Company, Inc. (District V)

An Ordinance authorizing execution and delivery of second amendment to lease, first amendment to site lease and first amendment to indenture.

- g) Weed mowing.

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas.

- h) ZON2000-39 - North of K-42 and MacArthur Road, west of Maize.

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2000-39

- i) PUD2000-01 - Southeast Corner of 127th Street East and Harry. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. PUD2000-01

- j) ZON2000-00043 - South of Maple, west of Auburn Hills Clubhouse Addition. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2000-00043

- k) ZON2001-00045 - Southeast corner of Mead and Third Street. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2000-00045

- l) A01-14 – Southeast corner of 127th East and Harry. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing. *Indicates consent Items.

- *32. [VAC2001-00025](#) – Vacate Hornecker Drive and Platted 30-Foot Setback on East Side – Northwest of Hornecker-Lynndale Intersection. (District V)

RECOMMENDED ACTION: Approve Vacation Order; authorize necessary signatures.

- *33. [VAC2001-00031](#) – Vacate Portion of Reserve – Southwest of 13th Street and Maize Road Intersection. (District V)

RECOMMENDED ACTION: Approve Vacation Order; authorize necessary signatures.

- *34. [VAC2001-00034](#) – Vacate Glendale from Blake to Pawnee – North of Pawnee, South of Blake and East of Oliver. (District III)

RECOMMENDED ACTION: Approve Vacation Order; authorize necessary signatures.

- *35. [VAC2001-00039](#) – Vacate Platted Utility Easement – Southwest of 31st Street South at Oliver Intersection. (District III)

RECOMMENDED ACTION: Approve Vacation Order; authorize necessary signatures.

- *36. [SUB2001-26](#) – Plat of Copart Addition – North of 47th Street South, East of Kansas Turnpike. (District III)

RECOMMENDED ACTION: Approve documents and Plat; authorize necessary signatures; adopt Resolutions.

- *37. [ZON2001-00048](#) – Zone Change from Neighborhood Retail to Limited Commercial and Amendment to DP-184 Pearson Farms C.U.P. Parcel One to Allow Larger Sized Commercial Uses and to Adjust Signage and Architectural Controls – West of Maize Road on the South Side of 21st Street North – 10711 West 21st Street North. (District V)

RECOMMENDED ACTION: Approve zone change and C.U.P. Amendment, subject to recommended conditions, and first reading of the Ordinance.

- *38. [ZON2001-00047](#) – Zone Change from Single-Family Residential to Neighborhood Retail and General Office – East Side of Maize Road, ½ Mile North of 21st Street North. (District V)

RECOMMENDED ACTION: Approve zone change, subject to platting within one year and Protective Overlay District; forward Ordinance when Plat is forwarded to City Council.

- *39. [ZON2001-00046](#) – Amendment to Protective Overlay No. 14 (Z-3221) to Waive Requirement for Masonry Screening Wall on Property Zoned Limited Industrial – West of Intersection of South Hillside and Ross Parkway – 2853 South Hillside. (District III)

RECOMMENDED ACTION: Approve Amendment and first reading of Ordinance; OR

Approve, subject to Staff comments.

Adjournment
